

Application No.: 10/670,670
Docket No.: PE0673 US CIP

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Remarks

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Status of the Application

Claims 2, 4-12, 14-17, and 19-23 are pending in the application. The pending claims stand provisionally rejected under the doctrine of nonstatutory (obviousness-type) double patenting.

Claim Rejections – Nonstatutory Double Patenting

The pending claims are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-26 of U.S. Publication No. 2004/0124504 (U.S. Application Serial Number 10/669,422).

Applicant's counsel in the paper dated June 21, 2006 established that this application and the non-statutory double patenting reference are and at all times were co-owned.

Terminal Disclaimer Overcomes the Provisional Rejections

Applicant files herewith a terminal disclaimer regarding any patent term that would extend beyond the expiration date of any patent granted on the reference application along with the required statement of ownership. The terminal disclaimer and accompanying statement are sufficient to overcome the pending double patenting rejections.

Conclusion

Applicant respectfully submits that a complete and thorough response has been made in this paper to the Office Action of September 5, 2006, and that the double patenting rejections are overcome as presented above.

Applicant further respectfully submits that the above referenced application is in condition for allowance, and a notice of allowance for claims 2, 4-12, 14-17, and 19-23 is earnestly solicited.

Respectfully submitted,



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